

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

SILAS CALHOUN and
EMILY CALHOUN, Individually and as
Parents and Next Friends of ESTELLA
CALHOUN,
Plaintiffs

v.

UNITED STATES OF AMERICA and
ERIC C. DAUB, M.D. and
MARIANNE SUTTON, M.D.,
Defendants

CIVIL ACTION NO. 04-10480-RGS

**ASSENTED-TO MOTION FOR RETURN OF
MEDICAL MALPRACTICE BOND**

Now come the plaintiffs and hereby move this Court, with the assent of the defendant Marianne Sutton, M.D., to order a return to the plaintiffs of the medical malpractice bond posted in this case. As grounds for this motion, the plaintiffs state as follows:

1. The plaintiffs filed the complaint on March 10, 2004.
2. Shortly thereafter, the defendant Dr. Marianne Sutton requested a transfer to the Middlesex Superior Court for a medical malpractice tribunal, pursuant to M.G.L. c. 231, § 60(B).
3. On June 23, 2004, the tribunal found for Dr. Sutton and subsequently the plaintiffs posted a \$6,000 bond with the Court in order to continue the claim against Dr. Sutton.
4. The plaintiffs have now determined that they will voluntarily dismiss Dr. Sutton with prejudice, and intend to file a stipulation of dismissal with this Court.
5. Dr. Sutton has agreed to waive all rights to the \$6,000 bond previously posted by the plaintiffs.

Accordingly, the plaintiffs hereby request that the Court grant this assented-to motion for return of the medical malpractice bond.

Respectfully Submitted,

SILAS CALHOUN, ET AL,
By their attorneys,

/s/ Michael S. Appel

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MARIANNE SUTTON, M.D.
By her attorneys,

/s/ Holly L. Parks

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Dated: April 5, 2006

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